

**Notice of Allowability**

Application No.

09/480,643

Applicant(s)

MOORE ET AL.

Examiner

Ronald Laneau

Art Unit

3714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/11/06.
2. ☒ The allowed claim(s) is/are 1,3,5,6,9,10,14-21 now renumbered as 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Ronald Laneau*

Ronald Laneau  
Primary Examiner  
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11/25/06

**Reasons for Allowance**

1. Claims 1, 3, 5, 6, 9-11 and 14-21 are allowed now renumbered as 1-14.

The following is an examiner's statement of reasons for allowance:

None of the references, either singularly or in combination, disclose the totality of combined elements such as:

As per claims 1, 3, 5 and 6, a system for communication of a proposed commercial transaction in a local area comprising: a short range wireless communications system adapted to communicate with the mobile wireless device associated with a consumer within the local area, wherein the local area is defined by proximity of the mobile wireless device to said short range wireless communication system and physical coverage of said short range wireless communication system, said short range wireless communications system being associated with a first merchant of a proposed offer and transmitting the proposed offer directly to the mobile wireless device associated with the consumer; and the mobile wireless device including a system which receives a user input indicating that the information from the first merchant is to be transmitted to a second merchant within the local area, wherein the mobile wireless device transmits the information received from the first merchant directly to the second merchant over a short range wireless, ad-hoc communication link in response to a user input.

As per claims 9 and 10, a system for conducting an auction between two merchants each having a fixed location and a consumer located proximate to the two merchants, the consumer associated with a mobile wireless device, the system comprising: a comparator in the mobile device for comparing the messages from the first merchant and the second merchant to determine which message offers the better deal; and a transmission system responsive to

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comparison in the mobile device for sending at least one merchant the details of the better deal and for receiving a message from at least one merchant in response to the details of the better deal, wherein the communications between the mobile wireless device and the merchants are exchanged directly between one another without utilization of a central processing.

As per claim 14, a program stored on a storage medium adapted to be read by an information handling system, the program comprising: a fourth module for comparing bids to determine the best bid and for receiving an input at a mobile device whether to communicate a bid from one bidder to a second bidder and, if sending is indicated, sending the best bid to another bidder directly over a short range, ad-hoc, wireless communication link, and a fifth module for displaying the best bid received so that the consumer can acknowledge the bid; wherein each individual merchant system with which communication is established is determined via proximity and a physical coverage area of the individual merchant system.

As per claims 15-18, a system for communicating regarding a proposed transaction between a consumer and potential merchants, the system comprising: a plurality of short range wireless communications systems, wherein each of at least a first and a second potential merchant is associated with one of said plurality of short range wireless communication systems, each of said first and second merchants seeking to make a transaction with the consumer relating to the proposed transaction, the short range wireless communication system associated with the first merchant transmitting directly to the wireless device a first bid from the first merchant and receiving information on the first bid from the wireless device, wherein said wireless device transmits information on said first bid to the short range wireless communication system associated with the second merchant in response to the consumer input.

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As per claims 19-21, a method of proposing commerce between a merchant and a potential consumer with a mobile wireless device, the steps of the method comprising: receiving at the mobile wireless device a bid sent directly from the second merchant over the other short range, ad-hoc, wireless communication link regarding the proposed purchase, whereby the potential customer may compare the first bid from the first merchant with the second bid from second merchant for the potential purchase; wherein the mobile wireless device selects the first and second merchants for communication, at least in part, by virtue of proximity and physical coverage of the short range, ad-hoc wireless communication links.

The closest prior art, Fano (US 6,317,718 B1), fails to disclose the above claimed features.

Fano discloses a system for communication of a proposed transaction in a local area. As seen in the summary of the invention of Fano, an agent running on a Personal Digital Assistant (PDA) equipped with a Global Positioning System (GPS) receiver supports location targeted shopping in an outdoor mall. The agent assists shoppers by providing information about merchandise in which the shopper has expressed an interest. As a shopper strolls through a mall, the system alerts the shopper to merchandise of previously specified categories in the surrounding stores, as well as any cheaper alternatives in the local area.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

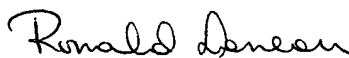
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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau  
Primary Examiner  
Art Unit 3714

11/25/06

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